IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1106 OF 2006

Sagar Ankush Pasalkar. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri Vikas Shivarkar for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 10, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested on 19th July, 2005 in connection with an offence which was registered with the Sahakarnagar Police Station, Pune, vide C.R.No.277/2005. A complaint was lodged alleging that the father of the complainant was missing since 16th July, 2005. It is alleged that the accused kidnapped the father of the complainant and committed his murder and the motive behind the offence was that the deceased had assisted one Deepali Shahaji Wadhane by lodging a complaint on 19th March, 2005 for the offence under Section 376 of

the IPC against the present applicant and other two accused.

2. It is alleged that they tried to pressurise the deceased not to follow up the case any further. However, since the deceased declined to do so, he was killed by the accused.

3. It is submitted by the learned Counsel for the applicant that the wife of the deceased in her statement has not stated when the body of the deceased was identified by her. It is further submitted that in the post mortem notes, the name of the person who identified the dead body, has not been mentioned. It is further submitted that the panchanama of the recovery of the clothes of the deceased which was conducted on 19th July, 2005 at 21.30 hours, also in that panchanama, the name of the deceased is not mentioned though the body was alleged to have been identified earlier. The learned Counsel also invited my attention to the statements of witnesses and the attempt was made to various discrepancies in the said statements.

4. It is not possible to accept this submission of the learned Counsel for the applicant. The discrepancies, if any, are minor and they will be considered at the time of final hearing of the case. There is sufficient material on record to indicate the involvement of the present applicant. The offence committed by the applicant is serious as he has murdered a witness who was likely to depose against him in a criminal case which was punishable for imprisonment for life. The applicant, therefore, if released on bail, is likely to tamper with the evidence.

5. The application for bail, therefore, is rejected.

6. The trial is, however, expedited.

(V.M. Kanade, J.)